

Secretary of State for Communities and Local Government
c/o DCLG National Planning Casework Unit
5 St Philips Place
Colmore Row
BIRMINGHAM
B3 2PW

Your Ref

Our Ref
ISC/RJO/Y068964

Date
08 April 2013

For the attention of Sarah Hunt

Dear Secretary of State

**Proposed London Underground (Northern Line Extension) Order
Application for a certificate under Schedule 3 to the Acquisition of Land Act 1981 (the 1981 Act)**

We act for Transport for London and London Underground Limited in relation to Transport for London's intended application for an order under the Transport and Works Act 1992 (TWA) to authorise the construction, operation and maintenance of an extension to the Northern line from Kennington to Battersea via an intermediate station at Nine Elms. We anticipate submitting the application to the Secretary of State for Transport on 30 April 2013. This letter applies for a certificate from you under Schedule 3 to the 1981 Act.

It is intended that the draft order to be submitted with TfL's TWA application on 30 April will include a power to acquire compulsorily permanent rights of way, etc., at surface level over areas of open space within the meaning of the 1981 Act at two locations along the route: an area within Kennington Park and part of Kennington Green. These two areas are shown shaded green on the enclosed *Open Space Plan (at Tab 2 in the enclosed file)* and are shown as plot numbers 61470 and 60280 respectively on the plans to be deposited with the Secretary of State for Transport as part of the TWA application (*at Tab 1 in the enclosed file - Sheet No. 6 is the relevant one, on which the two areas of land concerned are shown, together with some other land, shaded pink*).

In both instances, permanent rights of way and related rights are required at surface level for the purposes of access for future maintenance, repair, renewal and replacement of structures which will be constructed beneath the surface of the land. Under the part of Kennington Park shown shaded green on the *Open Space Plan*, a shaft and sub-surface structures to house a traction substation and tunnel cooling and ventilation equipment are intended to be built in addition to a head house to be located on adjacent land which does not form part of any open space. Under the part of Kennington Green shaded green on the *Open Space Plan*, a shaft and associated adit leading to a head house in the neighbouring Gin Distillery yard area are proposed to be constructed.

We are enclosing *Planning Direction Drawings 44-56* and *Conservation Area Consent Drawings 1-3* which show the detail of the structures proposed at Kennington Park and *Planning Direction Drawings*

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57-69 and *Conservation Area Consent Drawings 4-6* which show the detail of the structures proposed at Kennington Green. These and other drawings are to accompany the TWA application.

Proprietary rights over the open space are therefore required from the nearest public highway so that these structures can be properly maintained and repaired and, if necessary, renewed and/or replaced. These rights are likely to take the form of freehold easements.

The frequency of access is anticipated to be very limited and to cater for two occasions. First, in the (unusual) event that the structures' waterproofing should fail, and even then only for a short duration to allow for the necessary repairs; and secondly, once the operational life of the structures has come to an end, usually after 125 years, it is likely to be necessary to have temporary access for a longer period while the structures are removed or replaced. As such, Transport for London contends that the public use of the open spaces will not be materially affected by the exercise of the proprietary rights now contemplated.

To avoid the Order, if made, then being subject to Special Parliamentary Procedure, we therefore wish to apply for a certificate from you, under paragraph 6(1)(a) of Schedule 3 to the 1981 Act, that you are satisfied:

'that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before.'

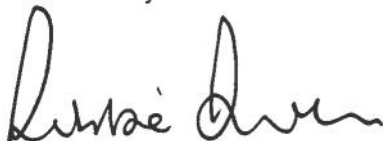
The Department for Transport and leading counsel have confirmed that certificates will not be required under section 19 of the 1981 Act in relation to the Order's anticipated powers for the compulsory acquisition of subsoil land for these and other permanent structures, since the subsoil beneath land which on the surface is open space is not itself regarded as being open space.

Should you be minded to give the certificate sought please would you notify us as soon as possible so that we may take steps to give public notice of your intention to give the certificate, as required by paragraph 6(3) of Schedule 3 to the 1981 Act. We would ideally like to do this at the same time as giving public notice of the TWA application, which will be published in the *Evening Standard* and the *Wandsworth Guardian* on 25 April 2013 and 2 May 2013 and in the *South London Press* on 26 April 2013 and 3 May 2013, leading to a seven week objection period for the TWA application on 18 June 2013. Therefore, to allow sufficient time to publish the 1981 Act notice at the same time as the TWA notice, it would be helpful if you were able to respond by Wednesday 17th April. To assist you in this respect we have drafted a suggested form of public notice of your intention to give the certificate, which closely follows that used in previous cases linked with TWA Order applications. This is at Tab 5 in the enclosed file.

It would seem sensible that any resulting objections to or representations on the proposed certificate are referred to the same public inquiry as is likely to be held into objections to the TWA application. We anticipate that this inquiry will be held from mid-November to mid-December 2013 although that will be a decision for the Secretary of State for Transport, in consultation with the Planning Inspectorate, following the expiry of the seven week objection period for the TWA application on 18 June 2013.

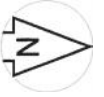
If you require any further information, please do not hesitate to contact me.

Yours sincerely



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c.c. Caroline O'Neill, TWA Orders Unit, General Counsel's Office, Department for Transport



Acquisition of Land Act 1981
Transport and Works Act 1992
London Underground (Northern Line Extension) Order
LONDON BOROUGH OF LAMBETH
Open Space Plan



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PLAN



- KEY**
- Open Space - permanent rights only
1317.3 m²
 - Borough Boundary